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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,574	05/03/2001	Michael B. Raynham	10004326-1	6827

7590 09/21/2004

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EXAMINER	
DAMIANO, ANNE L	

ART UNIT	PAPER NUMBER
2114	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/848,574	RAYNHAM, MICHAEL B.	
	Examiner	Art Unit	
	Anne L Damiano	2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *29-33 and 38-43* is/are allowed.

6)☒ Claim(s) *1, 3, 4, 7, 8, 12, 14, 15, 21, 23, 25-27 and 34-37* is/are rejected.

7)☒ Claim(s) *2,5,6,9-11,13,16-20,22,24 and 28* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 29-33 and 38-43 are allowed.

Amendments to independent claim 29, along with persuasive arguments yield claim 29 and dependent claims 30-33 allowable.

Subject matter included in the new independent claims 38-40 and 43 was deemed allowable in the previous office. Therefore, claims 38-43 are allowable.

2. Claims 2, 5, 6, 9, 10, 11, 13, 16-20, 22, 24 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 12, 14, 15, 23 and 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Sexton (2002/0068983).

As in clam 1, Sexton discloses a wireless diagnostic system for diagnosing a problem with at least one server comprising:

A portable diagnostic tool including a wireless transmitter and a wireless receiver, the portable diagnostic tool configured to transmit requests with the tool's wireless transmitter *(paragraph 3: lines 1-4 and lines 12-15, paragraph 6: lines 9-13 and paragraph 13) (The portable communication device is wireless and it is therefore capable of transmitting data wirelessly.)*; and

A wireless communication subsystem *(wireless ISP server)* implemented in a first server *(paragraph 4: lines 1-3, paragraphs 13 and 14)*, the wireless communication subsystem including a wireless transmitter and a wireless receiver *(paragraph 14: lines 1-4) (The wireless device uses the ISP server to gain access to the Internet, meaning that the ISP server must have a wireless receiver. The wireless ISP server also formats data into WML and transmits the data to the wireless devices. A wireless transmitter and receiver are therefore "necessarily present" in the wireless ISP server.)*, the wireless communication subsystem configured to receive a transmitted request from the portable diagnostic tool with the subsystem's wireless receiver *(paragraph 3: lines 8-15 and paragraph 4: lines 1-4, (The user is capable of inputting requests on the portable wireless device. These requests are then transmitted to the wireless ISP server meaning that the ISP server is configured to receive the transmitted request from the portable diagnostic tool.)*, the wireless communication subsystem configured to transmit service information with the subsystem's wireless transmitter in response to a received request, the portable diagnostic tool configured to receive the service information with the tool's wireless

receiver. *(paragraph 3: lines 8-15, paragraph 4: lines 1-4, paragraph 12: lines 4-8, paragraph 13, paragraph 14: lines 1-4 and paragraph 15: lines 1-3). (The ISP server transmits the operational data to the portable wireless device. The user views and analyzes the data on the portable wireless device.)*

As in claims 12, Sexton discloses the wireless diagnostic system of claim 1, wherein the portable diagnostic tool includes a display screen, and wherein the portable diagnostic tool is configured to display diagnostic information on the display screen based at least in part on the service information received from the first server *(paragraph 6: lines 9-13 and paragraph 13).*

As in claim 14, Sexton discloses the wireless diagnostic system of claim 12, wherein the service information includes at least one error code, and wherein the portable diagnostic tool is configured to display error information on the display screen based at least in part on the at least one error code *(paragraph 16: lines 1-12). (Since the displayed information can be used to detect the cause of the problem, some form of error code must be included in the service information.)*

As in claim 15, Sexton discloses the wireless diagnostic system of claim 12, wherein the portable diagnostic tool is configured to display repair suggestion information on the display screen based at least in part on the service information received from the first server As in claim 15, Sexton discloses the wireless diagnostic system of claim 12, wherein the portable diagnostic tool is configured to display repair suggestion information on the display screen based at least in

part on the service information received from the first server *(paragraph 16.) (The displayed operational data indicates to the user what part number needs to be replaced. A part needing to be replaced is a repair suggestion.)*

As in claim 23, Sexton discloses a method of identifying a problem with at least one server comprising:

Wirelessly transmitting a request with a portable diagnostic tool *(paragraph 3: lines 8-15 and paragraph 4: lines 1-4), (The user is capable of inputting requests on the portable wireless device. These requests are then transmitted to the wireless ISP server meaning that the ISP server.)*;

Providing a wireless communication subsystem *(wireless ISP server)* coupled directly to a first server *(paragraph 4: lines 1-3, paragraphs 13 and 14)*,

Receiving the transmitted request from the portable diagnostic tool with the wireless communication subsystem *(paragraph 14: lines 1-4) ((paragraph 3: lines 8-15 and paragraph 4: lines 1-4), (The user is capable of inputting requests on the portable wireless device. These requests are then transmitted to the wireless ISP server meaning that the ISP server is configured to receive the transmitted request from the portable diagnostic tool.)*

Wirelessly transmitting service information with the wireless communication subsystem in response to a received request *(paragraph 3: lines 8-15, paragraph 4: lines 1-4, paragraph 12: lines 4-8 and paragraph 13) (The ISP server transmits the operational data to the portable wireless device.)*; and

Receiving the service information with the portable diagnostic tool *(paragraph 14: lines 1-4 and paragraph 15: lines 1-3). (The user views and analyzes the data on the portable wireless device meaning that the service information is received on the wireless device.)*

As in claim 25, Sexton discloses the method of claim 23, and further comprising:

Displaying diagnostic information with the portable diagnostic tool based at least in part on the service information received from the first server *(paragraph 6: lines 9-13 and paragraph 13).*

As in claim 26, Sexton discloses the method of claim 23, wherein the service information includes at least one error code, the method further comprising: Displaying error information with the portable diagnostic tool based at least in part on the at least one error code *(paragraph 16: lines 1-12). (Since the displayed information can be used to detect the cause of the problem, some form of error code must be included in the service information.)*

As in claim 27, Sexton discloses the method of claim 23, and further comprising:

Displaying repair suggestion information with the portable diagnostic tool based at least in part on the service information received from the first server *(paragraph 16.) (The displayed operational data indicates to the user what part number needs to be replaced. A part needing to be replaced is a repair suggestion.)*

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3, 4, 7, 21 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sexton as applied to claims 1 and 29 above.

Regarding claim 3, Sexton discloses the wireless diagnostic system wherein the portable diagnostic tool and the wireless communication subsystem are configured to wirelessly communicate (above). However, Sexton does not specifically disclose the communications being short-range radio frequency communications.

It would have been obvious to a person skilled in the art at the time the invention made to use short-range radio frequency communications. It would have been obvious because Sexton's invention uses remote wireless monitoring to overcome the expense and inconvenience of having an on site engineer (paragraph 2: lines 4-6). A person skilled in the art would have understood that short-range wireless communication could be used for the wireless communication Sexton's system. However, Sexton's system is an improvement upon such a system. A person skilled in the art would have also understood that radio frequency communication is a well-known method of wireless communication.

Regarding claim 4, Sexton discloses the wireless diagnostic system where the portable diagnostic tool and the wireless communication subsystem are configured to wirelessly communicate with short-range radio frequency communications (above). Sexton also discloses the wireless communication device possibly being a PDA (paragraph 15: lines 9-10). However, Sexton does not specifically disclose the short-range radio frequency communications being based on a Bluetooth communications protocol. It would have been obvious to a person skilled in the art at the time the invention was made to base the short-range radio frequency communications on a Bluetooth communications protocol. It would have been obvious because Bluetooth is the open standard for short-range transmission of data between mobile devices, such as PDA's and desktop devices.

Regarding claim 7, Sexton discloses the wireless diagnostic system of claim 1, wherein the portable diagnostic tool and the wireless communication subsystem are configured to communicate wirelessly (above). However, Sexton does not specifically disclose the wireless communications being with infrared (IR) communications.

It would have been obvious to a person skilled in the art at the time the invention was made to use infrared communication for the wireless communications in the system taught by Sexton. It would have been obvious because infrared is commonly used for wireless transmission between computer devices.

Regarding claim 21, Sexton discloses the wireless diagnostic system above. However, Sexton does not specifically disclose the portable diagnostic tool being configured to attach to the first server.

It would have been obvious to a person skilled in the art at the time the invention made to attach the portable diagnostic tool to the server. It would have been obvious because Sexton's invention uses remote wireless monitoring to overcome the expense and inconvenience of having an on site engineer (paragraph 2: lines 4-6). A person skilled in the art would have understood that physically attaching the portable device to the server could be implemented in a system like Sexton's. However, Sexton's remote diagnostic system is an improvement upon an attached diagnostic system. A person skilled in the art would have also understood that physically attaching a diagnostic tool to the device is it monitoring is well known in the art.

Regarding claim 34, Sexton discloses the wireless diagnostic system above. However, Sexton does not specifically disclose the portable diagnostic tool being configured to attach to the first server.

It would have been obvious to a person skilled in the art at the time the invention made to attach the portable diagnostic tool to the server. It would have been obvious because Sexton's invention uses remote wireless monitoring to overcome the expense and inconvenience of having an on site engineer (paragraph 2: lines 4-6). A person skilled in the art would have understood that physically attaching the portable device to the server could be implemented in a system like Sexton's. However, Sexton's remote diagnostic system is an improvement upon an attached

diagnostic system. A person skilled in the art would have also understood that physically attaching a diagnostic tool to the device is it monitoring is well known in the art.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sexton as applied to claim 1 above and further in view of McLlroy et al. (6,701,521).

Regarding claim 8, Sexton discloses the wireless diagnostic system of claim 1, wherein the portable diagnostic tool and the wireless communication subsystem are configured to wirelessly communicate (above). However, Sexton does not specifically disclose short-range radio frequency communications.

It would have been obvious to a person skilled in the art at the time the invention made to use short-range radio frequency communications. It would have been obvious because Sexton's invention uses remote wireless monitoring to overcome the expense and inconvenience of having an on site engineer (paragraph 2: lines 4-6). A person skilled in the art would have understood that short-range wireless communication could be used for the wireless communication Sexton's system. However, Sexton's system is an improvement upon such a system. A person skilled in the art would have also understood that radio frequency communication is a well-known method of wireless communication.

Sexton also does not specifically disclose communications being with infrared (IR) communications. It would have been obvious to a person skilled in the art at the time the invention was made to use infrared communication for the wireless communications in the

system taught by Sexton. It would have been obvious because infrared is commonly used for wireless transmission between computer devices.

Sexton also does not specifically disclose the portable diagnostic tool and the wireless communication subsystem being configured to wirelessly communicate with short-range radio frequency communications and with infrared communications. McLlroy discloses a portable computer system with both a wireless infrared communication mechanism and a radio receiver/transmitter device (column 7: lines 51-56).

It would have been obvious to a person skilled in the art at the time the invention was made to configure the diagnostic tool and wireless communication subsystem to communication with both short-range radio frequency communications and with infrared communications. It would have been obvious because more communication configurations will increase the robustness of the system and McLlroy teaches that a portable device can be configured to include both communication means.

8. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Worley 6,6,51,190).

As in claim 35, Worley discloses a server comprising:

A processor *(figure 4: components 110 and 40)*;

A memory coupled to the processor *(figure 4: component 202)*;

A controller coupled to the processor, the controller configured to monitor activities of the processor and store server status information *(figure 4: component 100)*; and

A wireless communications subsystem coupled to the controller, the wireless communications subsystem configured to wirelessly transmit at least a subset of the server status information *(column 3: lines 15-21)*.

However, Worley does not specifically disclose the communication being via short-range wireless communication. It would have been obvious to a person skilled in the art at the time the invention made to use short-range wireless communication in the system taught by Worley. It would have been obvious because Worley's invention uses remote wireless monitoring to overcome the inconvenience of having an on site technician *(column 1: lines 18-22 and lines 35-37)*. A person skilled in the art would have understood that short-range wireless communication could easily be used for the wireless communication Worley's system. However, Worley's system is an improvement upon such a system.

As in claim 36, Worley discloses the server of claim 35, wherein the controller is configured to be powered by a standby power supply separate from a power supply that powers the processor *(figure 4: components 100 and 50, column 2: lines 65-67 and column 6: lines 3-21)*.

As in claim 37, Worley discloses the server of claim 35, wherein the controller is a main server management controller *(column 3: lines 9-12)*.

Response to Arguments

9. Applicant's arguments regarding claims 1, 3, 4, 7, 12, 14, 15, 21, 23, 25-27 and 34 filed 6/14/04 have been fully considered but they are not persuasive.

In regard to the first argument, the wireless ISP server is interpreted as being equivalent to applicant's disclosed subsystem. Wireless ISP server is implemented in a server and undoubtedly includes a wireless transmitter and receiver. See claim rejections above for further details about examiner's interpretations.

Applicant's arguments filed 6/14/04 with respect to amended claims 29-33 have been fully considered and are persuasive. Therefore, rejection of claims 29-33 is withdrawn.

Applicant's arguments regarding claims 35-37 filed 6/14/04 have been fully considered but they are not persuasive.

Worley discloses a server that uses long discloses wireless communication that is an improvement upon short-range communication. It is obvious that a long-range wireless communication could easily be modified to use short-range wireless communications. See claim rejections above for further explanation.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See PTO-892.

11. Amendment to claims 35-37 necessitated new grounds of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne L Damiano whose telephone number is (703) 305-8010. After approximately October 15th, the examiner can be reached at (571) 272-3658. The examiner can normally be reached on M-F 9-6:30 first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALD

SCOTT BADERMAN
PRIMARY EXAMINER